

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

MIDSOUTH BANK, N.A.

PLAINTIFF

V.

CASE NO. 4:16-CV-04084

TEXARKANA ARKANSAS
HOSPITALITY, LLC;
SUKHPAL SINGH; and
HARBANS S. GREWAL

DEFENDANTS

ORDER

Before the Court is a Motion to Substitute Party filed by Patricia Hamilton (“Hamilton”), Trustee of the Bryce Dodson Supplemental Needs Trust U/T/A dated 15th day of March, 2017 by James J. Naples, Settlor (the “Trust”). ECF No. 8. The parties have not filed a response. The Court finds this matter ripe for consideration.

Hamilton states that this is a foreclosure action in which Plaintiff Midsouth Bank, N.A., seeks to enforce a promissory note from Texarkana Arkansas Hospitality, LLC, payable to Midsouth Bank, N.A. ECF No. 8. Hamilton further states that on March 17, 2017, Midsouth Bank, N.A., sold and transferred the loan to the Trust. ECF No. 8. Hamilton contends that this made the Trust the successor-in-interest in this action and requests that the Trust be substituted as plaintiff. ECF No. 8. The Federal Rules of Civil Procedure provide that “[i]f an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party.” Fed. R. Civ. P. 25(c).

In the present case, Plaintiff Midsouth Bank, N.A., has transferred its interest in the subject matter of the present action to the Trust. Accordingly, the Court finds that Hamilton's Motion to Substitute Party (ECF No. 8) should be and hereby is **GRANTED**. The Clerk of Court is hereby directed to terminate Midsouth Bank, N.A, and substitute Patricia Hamilton as Trustee of the Bryce Dodson Supplemental Needs Trust U/T/A dated 15th day of March, 2017 by James J. Naples, Settlor, as Plaintiff.

IT IS SO ORDERED, this 8th day of August, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge